

NOTICE OF MEETING

Planning and Zoning Commission
March 10, 2010
Cochise County Complex
Board of Supervisors Hearing Room
1415 W. Melody Lane, Building G
Bisbee, Arizona

AGENDA

4:00 P.M. CALL TO ORDER

THE ORDER OR DELETION OF ANY ITEM ON THIS AGENDA IS SUBJECT TO MODIFICATION AT THE MEETING.

ROLL CALL (Introduce Commission members, explain quorum and requirements for taking legal action.)

(Also explain procedure for public hearing, i.e., after Planning Director's Report, Applicant will be allowed 10 minutes, other persons will each have 5 minutes to speak and Applicant can have 5 minutes for rebuttal at end.)

APPROVAL OF PREVIOUS MINUTES - (Call for motion to approve the minutes of the January 13, 2010 Meeting)

CALL TO THE PUBLIC (Ask if any member of the public wishes to speak on any item not already on the agenda).

NEW BUSINESS

Item 1 (Page 1 of the staff report section) - Introduce Docket and advise public who the applicants are.

Study Session, Docket R-09-02, Hazard Abatement Ordinance study session.

Item 2 (Page 2) - Introduce Docket and advise public who the applicants are.

Public Hearing, Docket SU-10-03: An application for a Special Use Permit in an RU-4 District to allow for a dog breeding facility/kennel to breed up to 10 dogs and accommodate up to 15 'non-breeding, retired stock dogs', pursuant to §607.06 (Animal Hospitals, Veterinary Clinics and Animal Husbandry Services) of the County Zoning

Regulations. The proposed Special Use includes the construction of a 720 square foot structure that would include a sick bay, cleaning and grooming room and a whelping unit, as well as six, 120 square foot dog runs. The eight-acre subject parcel (tax parcel # 208-26-014D) is located at 1338 W. Appaloosa Ln. in Benson.

Applicant: Ms. Marian Beal

- Call for PLANNING DIRECTOR'S REPORT
- Call for APPLICANT'S STATEMENT
- Declare PUBLIC HEARING OPEN
 - Call For COMMENT FROM OTHER PERSONS (either in favor or against)
 - Call for APPLICANT'S REBUTTAL (if APPROPRIATE)
- Declare PUBLIC HEARING CLOSED
- Call for COMMISSION DISCUSSION (May ask questions of the applicant)
- Call for PLANNING DIRECTOR'S SUMMARY AND RECOMMENDATION
- Call for MOTION
- Call for DISCUSSION OF MOTION
- Call for QUESTION

ANNOUNCE ACTION TAKEN - (Note: Any individual disagreeing with this action has the right to appeal to the Board of Supervisors within 15 days. An application for appeal is available tonight with the Clerk, at our office Monday through Friday between 8 A.M. and 5 P.M., or anytime on our webpage in the "Permits and Packets" link)

Item 3) - Introduce Docket and advise public who the applicants are.

Election of Officers

**DIRECTOR'S REPORT ON PENDING AND RECENT MATTERS AND FUTURE
AGENDA ITEMS**

1. Board of Supervisors Actions
2. Next and potential future month's Dockets

CALL TO COMMISSIONERS ON RECENT MATTERS

ADJOURNMENT

**COCHISE COUNTY PLANNING & ZONING COMMISSION
MINUTES**

Wednesday, January 13, 2010

The regular meeting of the Cochise County Planning & Zoning Commission was called to order at 4:00 p.m. by Chair Basnar at the Cochise County Complex, 1415 Melody Lane, Building G, Bisbee, Arizona in the Board of Supervisors Board Room.

ROLLCALL

Vice-Chair Martzke noted the presence of a quorum. He then introduced the Commissioners to the public. Vice-Chair Martzke then explained to the audience the procedures for considering a docket.

Roll Call.

Present: Jim Martzke, Duane Brofer, Rusty Harguess, Gary Brauchla, John Wendell, Ron Bemis, Cruz Silva, Pat Edie.

Absent/Excused: Lee Basnar, Cruz Silva.

APPROVAL OF THE MINUTES

Motion: Approve minutes as written, Action: Approve, Moved by Duane Brofer, Seconded by Pat Edie.

Vote: Motion passed (**summary:** Yes = 5, No = 0, Abstain = 2).

Yes: Jim Martzke, Duane Brofer, Gary Brauchla, Rusty Harguess, Pat Edie.

Abstain: John Wendell, Ron Bemis.

CALL TO THE PUBLIC

Vice-Chair Martzke opened the meeting to the public.

Susan Ostrander stated she felt there should be public meetings for all Subdivisions so that the neighbors affected can speak on the impacts to the neighborhoods.

Jack Cook stated he doesn't understand where the public fiduciary puts his pension.

Vice-Chair Martzke closed the "Call to the Public"

Item 1

Docket S-05-05: Planning Manager Susana Montana presented the docket for approval of an additional one-year time extension for La Marquesa Subdivision Tentative Plat which was approved by the Board of Supervisors on February, 5, 2007 and granted a one-year time extension by the Planning Director in December 2008. This item is also a request by staff to "un-table" a June 2008 request by the Subdivider to waive the requirement for a water company to serve lots in favor of individual wells. The subdivision is a 102-lot "conservation" subdivision located on 317 acres of land zoned RU-4 located on the north side of Three Canyons Road in Hereford, about one mile east of Highway 92.

Motion: Remove from table, **Action:** Untable, **Moved by** John Wendell, **Seconded by** Duane Brofer.

Vote: Motion carried by unanimous roll call vote (**summary:** Yes = 7).

Yes: Jim Martzke, Duane Brofer, Rusty Harguess, Gary Brauchla, John Wendell, Ron Bemis, Pat Edie.

Patrick Kirk, Applicant, stated the economy has impacted the housing market, therefore he doesn't feel at this point in time he wants to invest any money into the subdivision until the economy gets better.

Vice-Chair Martzke asked staff if the waiver that had been removed from the table could be retabled until such time as the subdivision is decided on.

Motion: Motion to table the waiver for water company decision until February 2011.,

Action: Table, **Moved by** Ron Bemis, **Seconded by** Duane Brofer.

Vote: Motion carried by unanimous roll call vote (**summary:** Yes = 7).

Yes: Jim Martzke, Duane Brofer, Rusty Harguess, Gary Brauchla, John Wendell, Ron Bemis, Pat Edie.

Absent: Cruz Silva,

Motion: Approve the time extension, **Action:** Approve, **Moved by** Ron Bemis, **Seconded by** Duane Brofer.

Vote: Motion carried by unanimous roll call vote (**summary:** Yes = 7).

Yes: Jim Martzke, Duane Brofer, Rusty Harguess, Gary Brauchla, John Wendell, Ron Bemis, Pat Edie.

Item 2

Docket SU-10-01: Planner Michael Turisk presented the docket for a Special Use Permit to establish and operate a bed and breakfast/'quilting retreat' in a proposed 1,100 square foot structure on a 2-acre site in Hereford, per Section 906.10 (Bed and Breakfast Lodgings) of the Zoning Regulations. The subject properties (Parcel Nos. 104-07-0045D; 104-07-052B) are zoned SR-43 Zoning District (Single-Household Residential; minimum lot size 1-acre). Parcel 104-07-052B is approximately 2-acres and would include the bed and breakfast; Parcel 104-07-045D is approximately 1-acre and includes the Applicants' existing single-family residence and accessory structures. The subject parcels are located at 6720 Calle de la Mango in Hereford. Mr. Turisk explained the factors in favor and factors against and that staff has received 2 letters in support and 2 letters opposed.

Commissioner Bemis asked if the property was on a well and if the water use\age would impact neighbors.

Sheila and William Ritter, Applicants, stated she attends quilting retreats in Showlow, AZ and would like to make the same type of retreat available in Southern AZ.

Commissioner Edie asked the applicant if they had considered moving the bunkhouse back 10 feet.

Mrs. Ritter stated they had and would if it needed to be.

Vice-Chair Martzke opened the meeting to the public.

A member of the audience stated he lives next to the property and he supports the proposal, he doesn't feel it will impact the neighborhood any more than any other residential property.

Vice-Chair Martzke closed the meeting to the public.

Mr. Turisk stated staff recommends approval of the Special Use with the conditions stated by staff.

Commissioner Wendell stated he feels the setback waiver should not be included.

Motion: Motion to approve with the modification 2 through 5, **Action:** Approve, **Moved by** John Wendell, **Seconded by** Rusty Harguess.

Vote: Motion carried by unanimous roll call vote (**summary:** Yes = 7).

Yes: Jim Martzke, Duane Brofer, Rusty Harguess, Gary Brauchla, John Wendell, Ron Bemis, Pat Edie.

Item 3

Docket SU-10-03: Planner Michael Turisk stated the Applicant has requested tabling the docket for a Special Use Permit to allow for a dog breeding facility/kennel to breed up to 10 dogs and accommodate up to 15 'non-breeding, retired breeding stock dogs', to the March meeting.

Motion: Table until the March Meeting, **Action:** Table, **Moved by** Duane Brofer, **Seconded by** Rusty Harguess.

Vote: Motion carried by unanimous roll call vote (**summary:** Yes = 7).

Yes: Jim Martzke, Duane Brofer, Rusty Harguess, Gary Brauchla, John Wendell, Ron Bemis, Pat Edie.

Item 4

Docket SU-10-02: Planner Keith Dennis presented the docket for a Special Use Permit to establish and operate a winery with tasting room in an existing 3,200 square foot building on a 40-acre property East of Elfrida. The relevant Sections of the Zoning Regulations are: Agricultural Processing (607.15), Retail Sales (wine and possibly related products – Section 607.22) and Restaurant/Tavern/Bar (Tasting room operations – 607.12). A 3,700 square foot single family residence also exists on the property. The subject parcel (401-23-012B) is located at 13922 S Kuykendall Cutoff Rd, East of Elfrida, AZ. Mr. Dennis explained the factors in favor and factors against; he stated staff had received 2 letters in support and no letters in opposition.

Kurt Dunham, Applicant, stated they don't foresee many visitors to the property itself. He stated the tasting room is only 200 sq. ft. so there won't be room for a large amount of visitors. He stated that he would like to see a formalized policy for right of way, and at that point would be willing to sit down with the County to work out a right of way easement. He further stated that enlarging the driveway would be a financial hardship on them at this time.

Vice-Chair Martzke opened the meeting to the public.

Rod Keeling, stated he lives near the property, and supports the proposal. He further stated he owns a winery in the area, and there are very few visitors to the property itself due to the remote location.

Vice-Chair Martzke closed the meeting to the public.

Mr. Dennis stated staff recommends approval of the Special Use with the conditions and modifications stated by staff.

Commissioner Bemis asked about the County having right of way, not holding the landowner liable.

Deputy County Attorney Adam Ambrose stated the County can hold rights to the right of way, but there is no policy of what the landowner's rights to the property. He further stated that the Zoning regulations give the Commission has a right to consider right of way and traffic patterns.

Motion: Motion to approve the Special Use with the conditions and the modification stated by staff., **Action:** Approve, **Moved by** Duane Brofer, **Seconded by** Rusty Harguess.

Mr. Dunham stated he doesn't feel there is enough protocol to protect his property rights until all of the information has been looked at.

Vote: Motion failed (**summary:** Yes = 0, No = 7, Abstain = 0).

No: Jim Martzke, Duane Brofer, Rusty Harguess, Gary Brauchla, John Wendell, Ron Bemis, Pat Edie.

Motion: Motion to approve the special Use with the conditions except #2, and the modification., **Action:** Approve, **Moved by** Duane Brofer, **Seconded by** John Wendell.

Vote: Motion carried by unanimous roll call vote (**summary:** Yes = 7).

Yes: Jim Martzke, Duane Brofer, Rusty Harguess, Gary Brauchla, John Wendell, Ron Bemis, Pat Edie.

Item 5

Docket Z-10-01: planner Keith Dennis presented the docket to rezone 10 contiguous substandard-sized parcels totaling 1.98 acres from TR-18 (Residential, 1 dwelling per 18,000 square feet) to MR-1 (multiple-household residential, 1 dwelling per 3,600 square

feet) in order to build a "multi-family residential community of fifteen to eighteen 3-bedroom/2 bath patio homes." The subject parcels are: 107-22-024F, G, H, J, K, L, M, N, P & Q, and are located at along the Southeast corner of the Schrader/Reese Road intersection in Sierra Vista, AZ. Mr. Dennis presented maps and photos of the surrounding area and the current zonings. He further explained factors in favor and the factors against. Staff received 27 statement of support and 3 statements in opposition.

Ray Bouchard, President of Habitat for Humanity, Sierra Vista, and Teresa Price, Buck Lewis Engineering. Mr. Bouchard stated the sewage treatment plant will be very expensive, therefore they are looking to place 15 homes in the development to make it more cost effective. He further stated they intend to make the development a green development.

Vice-Chair Martzke opened the meeting to the public.

Larry Larsen stated he lives across the street from the property and is opposed to the proposal due to the density.

Mike Jackson asked where the parking is located.

Vice-Chair Martzke closed the meeting to the public.

Mr. Dennis stated staff recommends conditional approval, with the conditions stated in the staff report.

Motion: Motion to forward docket to the Board of Supervisors for approval with a recommendation of conditional approval with the conditions stated in the staff report.,

Action: Approve, **Moved by** John Wendell, **Seconded by** Rusty Harguess.

Vote: Motion carried by unanimous roll call vote (**summary:** Yes = 7).

Yes: Jim Martzke, Duane Brofer, Rusty Harguess, Gary Brauchla, John Wendell, Ron Bemis, Pat Edie.

Item 6

Docket R-10-01: Planning Director Susan Buchan presented the docket for consideration of adoption of revisions to the existing Cochise County Building Safety Code Owner-Builder Amendment Options and to Section 508 of the Cochise County Zoning Regulations. The existing County Building Safety Code Owner-Builder Amendment limits eligibility to Owner-Builders on properties located in the RU, SM, and SR categories zoned for a minimum lot size of four acres and in Growth Category D Rural or Rural Residential. The revisions replace the eligibility based on zoning district and designation to eligibility based on minimum setbacks of seventy-five (75) feet in all directions. The amendment to Section 508 of the Zoning Regulations would complement the County Building Safety Code Owner-Builder Amendment and would define what a Rural zoning district is for the purposes of application of building codes and ARS 11-861 et seq. The applicable location is County-wide.

Commissioner Bemis asked if there would still be inspections required if a property owner opts out.

Ms. Buchan explained there are some inspections still required for utility companies to hook up, and septic inspections done by the Health Department.

Commissioner Bemis stated he feels the amendment is discriminatory to property owners.

Vice-Chair Martzke opened the meeting to the public.

Jane Shuck stated she has a total electric home and is opposed to the proposal.

Kelly Savage stated she is a owner builder and that home owners still build to code. She further explained she is opposed to the amendment.

Helene Jackson stated she feels that large setbacks are an excuse to force property owners to get building code permits.

Mike Jackson feels the Owner Opt out option shouldn't affect the property owners that are already in RU-4 areas. He further stated he is opposed to the amendment.

Jack Cook spoke.

Ms. Buchan stated staff recommends forwarding a recommendation of approval to the Board of Supervisors.

Commissioner Harguess stated he believes the setbacks should stay as they are.

Commissioner Brauchla stated he is against the large setbacks.

Vice-Chair Martzke stated he doesn't see how a setback would make a difference. He stated most rural homes are built with electric heat pumps due to the use of propane.

Motion: Motion to forward the proposed revisions of the owner builder opt out amendment to the Board of Supervisors with a recommendation of approval, **Action:** Approve, **Moved by** John Wendell, **Seconded by** Duane Brofer.

Vote: Motion failed (**summary:** Yes = 0, No = 7, Abstain = 0).

No: Jim Martzke, Duane Brofer, Rusty Harguess, Gary Brauchla, John Wendell, Ron Bemis, Pat Edie.

Motion: Motion to use alternative #2, **Action:** Approve, **Moved by** Jim Martzke, **Seconded by** Duane Brofer.

Vote: Motion passed (**summary:** Yes = 5, No = 2, Abstain = 0).

Yes: Jim Martzke, Duane Brofer, Rusty Harguess, Ron Bemis, Pat Edie.

No: Gary Brauchla, John Wendell.

PLANNING DIRECTOR'S REPORT

1. Board of Supervisors Actions include Guerrero rezoning was approved, Rogers rezoning was approved.
2. Upcoming BOS dockets include Bachman Springs.
3. Next Month we have no dockets; there could be a study session.
4. Next meeting we will have election of officers.

CALL TO COMMISSIONERS

Commissioner Wendell asked if staff could clarify a policy on dedicating right of way. Commission agreed to a study session in February. Commissioner Brofer asked if it could be held toward the end of the month.

ADJOURNMENT

Motion: Adjourn, **Action:** Adjourn, **Moved by** Duane Brofer, **Seconded by** Rusty Harguess.

Vote: Motion carried by unanimous roll call vote (**summary:** Yes = 7).

Yes: Jim Martzke, Duane Brofer, Rusty Harguess, Gary Brauchla, John Wendell, Ron Bemis, Pat Edie.

Planning & Zoning Commission Meeting Sign in Sheet

DATE January 9, 2010

PLEASE PRINT

NAME	ADDRESS	PHONE #	ITEM #
1. PATRICK KIRK	10645 N. ORACLE RD #121/286 TUCSON AZ 85737	520- 360-1280	
2. Kelly Savage	6740 N HOLST LN McNee, AZ 85617		# 6
3. Rod Keeling	10277 E. ROTH CREEK LN PEACE, AZ 85625	520 507- 2301	# 4
4. TERESA PRICE	2833 QUAIL RUN SV, AZ 85636	(520) #59-1122	# 5
5. Ray Bouchard	3031 Pebble Beach Dr SV AZ 85650	520 236- 4666	#5
6. Robert Shuck	6909 N. Blackberry Pl	314-7124	# 6
7. CRAIG HOWARD	6937 N. BLACKBERRY PL McNEAL	559-1935	6
8. Jane Shuck	6909 N. Blackberry McNeal, AZ 85617 PL		# 6
9. Jack Cook	112 night hawk Ave BISBEE	—	—
10.			
11.			
12.			
13.			
14.			
15.			



COCHISE COUNTY PLANNING DEPARTMENT

1415 Melody Lane, Bisbee, Arizona 85603

(520) 432-9240

Fax 432-9278

MEMORANDUM

TO: Cochise County Planning and Zoning Commission
FROM: Benny J. Young, P.E., Planning Director
SUBJECT: Docket R-09-02, Hazard Abatement Ordinance
DATE: February 26, 2010 for the March 10, 2010 Meeting

REQUEST TO TABLE TO THE APRIL 14, 2010 MEETING

This revision to the current Hazard Abatement Ordinance was initiated by the County Administration at the request of the Board of Supervisors. Staff has been working with the County Attorney's Office to incorporate additional language in the Ordinance to address appeal processes and appeal hearing officer rules and processes.

This docket was advertised for and considered by the Commission at your December 2009 meeting. At that meeting, the Commission asked staff for some changes to the proposed amendments to the Ordinance and asked staff to prepare a revised draft for discussion by the Commission at a study session to be held within 90 days of the December 2009 meeting. The 90 day time extension would end at the March 10, 2010 meeting.

Staff is preparing the amendments to the Ordinance as well as preparing an explanation of why each change is proposed. Staff has not completed this task and seeks to continue the study session on this subject until the April 14, 2010 Commission meeting date. The staff report and proposed revised Ordinance will be ready for your consideration and discussion at a study session on that date. Thank you.



COCHISE COUNTY PLANNING DEPARTMENT

1415 Melody Lane, Bisbee, Arizona 85603

(520) 432-9240

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Benny Young, *Director*

MEMORANDUM

To: Planning and Zoning Commission
From: Michael Turisk, Planner II *MT*
For: Benny Young, Planning Director
Subject: Docket SU-10-03 (Beal)
Date: February 24, 2010 for the March 10, 2010 Planning and Zoning Commission meeting

APPLICATION FOR A SPECIAL USE

This is a request for a Special Use Permit in an RU-4 District to allow for a dog breeding kennel for up to 10 dogs, as well as to accommodate an additional 15 'retired', non-breeding dogs (for 25 adult dogs in total), pursuant to §607.06 (Animal Hospitals, Veterinary Clinics and Animal Husbandry Services) of the County Zoning Regulations. If approved, the Applicant would construct a 720 sq.-ft. structure that would include a sick bay, a cleaning and grooming room, a whelping unit, as well as six dog runs. The eight-acre subject parcel (tax parcel # 208-26-014D) is located at 1338 W. Appaloosa Lane, just east of Ocotillo Rd. and several miles north of the City of Benson. The Applicant is Ms. Marian Beal.

I. Description of Subject Parcel and Surrounding Uses

Current Zoning:	RU-4 (Rural; minimum lot size 4 acres)
Growth Category:	D
Plan Designation:	Rural Residential (RR)
Area Plan:	Tres Alamos
Existing Uses:	Single-family residence; residential accessory structures and animal enclosures
Surrounding Uses:	Scattered rural home sites



Fig. 1; manufactured home with dog enclosure in foreground

Surrounding Zoning

Relation to Subject Parcel	Zoning District	Use of Property
North	RU-4	vacant
South	RU-4	vacant
East	RU-4	single-family residence
West	RU-4	Ocotillo Rd.; vacant

II. PARCEL HISTORY

2008 - Building permit for 390 sq.-ft. steel storage container;

2008 - Building permit for 980 sq.-ft. manufactured home and septic system; and

2008 - V-08-0109 for 50 to 60 dogs and excessive animal waste.

III. BACKGROUND AND PROJECT DESCRIPTION

In September 2008, the Applicant submitted a Special Use Permit application for animal husbandry to breed up to 50 adult dogs. However, in November 2008 the Commission denied the application (3-4) despite staff's recommendation of conditional approval. The Commission's vote was based largely on the level of public protest that emerged during the public hearing. Area residents expressed concern about excessive barking and uncontained dogs. Furthermore, questions emerged during the public hearing about the Applicant's ability to adequately care for 50 adult dogs and pups. What's more, several area residents voiced concern that the project would not be in accord with the 'peace and quiet' language embedded in the Tres Alamos Area Plan's Vision Statement.

In November 2009, the Applicant submitted a second Special Use Application with one notable revision - a reduction in the number of adult breeding stock (reduced to 10 dogs from 50). The Applicant has also proposed keeping up to 15 'retirees' or non-breeding dogs on site as personal pets (care would be provided by the Applicant for the terms of their lives). The project would otherwise be the same in terms of operating procedures (described in Section B, below) and new construction. New construction would include a 720 sq.-ft. kennel and sick bay, a cleaning and grooming room, as well as a whelping unit and six dog runs. The project would be completed in phases over a two-year time frame – phase I one would include clearing and installing fencing and screening; phase II would include the construction of the kennel facility. If approved, the Applicant would employ several mitigation measures which are described in greater detail in Section B, below.

IV. ANALYSIS OF IMPACTS - COMPLIANCE WITH SPECIAL USE FACTORS (SECTION 1716.02)**Compliance with Special Use Factors (Section 1716.02)**

Section 1716.02 of the Zoning Regulations provides a list of 10 (ten) criteria or factors to evaluate Special Use applications. Eight of the criteria are applicable to this request and are considered factors in the decision whether or not to approve this Special Use Permit and determine what conditions may be needed. The proposed project complies with four factors, complies (with conditions) with three additional factors and does not comply with one factor. Two factors are not applicable to this project. The analysis of this use takes into consideration that the primary use of the property is residential and that the proposed animal husbandry activities, as described by the Applicant, are subordinate to that use.

A. Compliance with Duly Adopted Plans – Does Not Comply

The site is located within the Tres Alamos Area Plan. The Vision Statement of the Plan states:

"In the year 2020 the Tres Alamos communities will maintain a rural quality characterized by quiet, peacefulness, neighborliness, the beauty of the rural environment and large lot sizes. However, the area does reflect an identifying characteristic of the D-Rural areas in that it is sparsely populated and has primarily rural-residential and/or agricultural uses.

Although animal husbandry is an activity commonly found in rural environments and is generally in accord with rural lifestyles, greater potential exists for such activities to seriously compromise the quiet and peaceful character of the area, unless off-site impacts are mitigated. Many of the Applicant's dogs are currently housed in outdoor enclosures. If approved, the Applicant has proposed maintaining all dogs during non-daylight hours in an indoor facility upon build-out of the project. This is an especially important component because several area residents complained about excessive barking at the public hearing in November 2008 and via written correspondence. Thus, the project does not fully comply with the Vision Statement of the Tres Alamos Plan as it pertains to maintaining a quiet and peaceful rural environment in the Tres Alamos area.

B. Compliance with the Zoning District Purpose Section - Complies with Conditions 1, 4 and 5

Section 601.02 of the Zoning Regulations reads as follows:

To encourage those types of non-residential and non-agricultural activities which serve local needs or provide a service and are compatible with rural living.

Animal husbandry requires a Special Use Permit in the RU districts because of the potential for animal concentrations to generate significantly adverse off-site noise and odor impacts. The principal use of the property is residential and this type of accessory use is often found in rural areas, so the project would not be in stark contrast with the rural character of the area *as long as off-site impacts are mitigated to the fullest extent possible.* The immediate area is characterized by large expanses of vacant property with several scattered home sites, but again, this type of use has the potential to further disturb neighboring property owners, especially considering that many of the Applicant's dogs continue to be maintained in outdoor enclosures. Sales would occur off-site so the project would not truly satisfy a local need. Upon build-out, the Applicant would manage dogs in such a way as to minimize off-site noise, odor and other impacts, and assurances have been made that all dogs would be examined and vaccinated regularly by a licensed veterinarian and would continue to be exercised, socialized and housed in a clean living environment. The Applicant's suggested operating procedures can be summarized as follows:

- Dogs are vaccinated and regularly checked by a veterinarian;
- Solid waste is collected daily and secured and disposed of off-site at an appropriate disposal site;
- The kennels would be designed to facilitate washing of flooring to collect liquid wastes when the dogs are contained therein;
- Guests are not encouraged to visit the site due to the danger of exposing dogs to diseases such as Parvovirus; visitors would be required to walk through a pan of disinfectant upon entering the site;
- To develop good socialization skills and exercise, dogs are able to walk and run about a large area of the site among an array of breeds;
- The Applicant lives on-site and would operate and manage the facility on a 24/7 basis;
- The Applicant shows the adult dog pairs on her website and receives online and phone orders; once pups are ready for sale they are shipped or the Applicant takes the pups to potential buyers; and
- At build-out dogs would be contained within kennels to minimize nighttime barking.



Fig. 2; dog enclosure

C. Development along Major Streets – Not Applicable

This project does not take access via a major thoroughfare, arterial or County collector.

D. Traffic Circulation Factors - Complies

Access to the site is east off of Ocotillo Rd. via Appaloosa Lane. Appaloosa Lane is unimproved and is not in the County maintenance system. The proposed use is considered commercial in nature, but traffic generated would be minimal and no more than is generated by a typical single-family residence because transactions would occur off-site.

E. Adequate Services and Infrastructure – Complies

There are adequate services available, including power provided by the SSVEC and phone services by Qwest. Water is provided by a private well, but the site is located in an uncovered fire district.

F. Site Development Standards - Complies with Conditions 1 and 3

The submitted site plan is in reasonable conformance with the requirements described in the Zoning Regulations and is sufficient to evaluate the proposed concept and associated impacts. The site plan shows the area and structures where dogs will be maintained, as well as most setbacks, fencing locations and principal and accessory structures. The project can meet the majority of site development standards for the Rural zoning districts. The minimum setback requirement for Special Uses in the Rural districts is 40-feet; however, it is unclear if the project would comply with minimum setback requirements along the north and east property boundaries based on the submitted site plan.

F. Site Development Standards (cont.)

If approved, the non-residential use would likely be sited within 300 feet of a major wash, hence the need for the Applicant to obtain a Floodplain Use Permit (FPUP) from the County Highway and Floodplain Department. A review of the site and the location of the proposed use during the commercial permitting phase would specify the minimum appropriate setback from the wash so as to avoid contamination from animal waste. Furthermore, the Applicant's driveway does not meet the minimum 24-foot width requirement for commercial driveways; a Modification of this site development standard has been requested to allow for the existing driveway width which is approximately 10-feet (the Applicant has indicated that a gravel surface would be maintained.) In addition, the Applicant has requested a waiver from the minimum parking requirement (one space per 500 sq.-ft. of floor area for animal husbandry activities). If the project is approved, staff supports these requests based upon the low level of traffic anticipated. Screening and landscaping are not required in the Rural areas, although the Applicant has indicated that screening would be installed at the perimeter of the use to help mitigate off-site noise and visual impacts. If approved, the Applicant would be required to submit a site plan at the commercial permitting phase that meets all minimum requirements.

G. Public Input - Complies

The Applicant completed the Citizen Review process and mailed letters to property owners within 1,500 feet of the site, but did not receive any comments regarding the proposed project. County staff mailed notice to neighboring property owners within 1,500 feet of the site, published a legal ad in the *San Pedro Valley News-Sun*, and posted a legal notice on the property near to Appaloosa Lane. As of this writing, two (2) responses opposed to this request have been received. One respondent indicated that unsecured dogs have been observed and expressed concern that this would be a continual problem. The second respondent expressed concern over noise, odor and vector control.

H. Hazardous Materials – Not applicable

The use and/or storage of hazardous materials would not be a component of the project.

I. Off-site Impacts – May Comply with Conditions 1, 2, 3, 4 and 5

As noted, animal concentrations have the potential to generate significant off-site impacts and compromise the quality of life for area residents. The primary concern associated with this particular project is the potential for excessive and disruptive barking - this was cited as a problem by residents at the November 2008 public hearing. However, the eight-acre subject parcel offers some buffer to surrounding properties and much of the surrounding acreage is vacant. If approved, Condition 4 would require the Applicant to cover all occupied outdoor dog enclosures during non-daylight hours. The Health Department has responded to this request with standard conditions limiting animal waste accumulation (the Applicant has indicated that animal waste is removed and contained on a daily basis, and as a Condition of Approval, the Applicant would be required to submit and adhere to a written protocol for waste and vector control.) *However, Cochise County Animal Control has asserted that the Applicant's dogs have not been adequately vaccinated; this represents a potential public health threat (see attached email dated 4 January 2010.)*

J. Water Conservation – Complies

Water use associated with this project would be minimal. The application indicates that approximately 25 gallons would be used per day.

V. SUMMARY AND CONCLUSION

The Applicant has requested a Special Use Permit to breed up to 10 dogs and maintain up to 15 additional 'retired' and non-breeding dogs as personal pets on their eight-acre property in the Tres Alamos area north of Benson.

V. SUMMARY AND CONCLUSION (CONT.)

The scope of the proposed project has been reduced since September 2008 when, at that time, the Applicant requested a Special Use Permit to breed up to 50 dogs; the Commission's denial was based largely on area residents' concerns about excessive barking and the Applicant's ability to care for 50+ dogs. Although the proposed use is one typically found in rural areas, it represents one that can seriously compromise the quality of life for residents unless determined attempts are made at mitigating off-site impacts.

Two factors in particular help to serve staff's recommendation of denial: (1) evidence submitted by Animal Control suggesting that the Applicant has failed to comply with County and State vaccination requirements; and (2) uncertainty as to whether the Applicant would provide sufficient mitigation to ensure compliance with the 'peace and quiet' provision of the Vision Statement of the Tres Alamos Area Plan. If the Commission approves the project, the recommended Conditions of Approval listed at the end of this memorandum serve as a measure of assurance that the Applicant is conscious of the importance of minimizing off-site impacts and operating the facility as a good neighbor.

Factors in Favor

1. The proposed use is compatible with the RU Zoning District's purpose statement so long as off-site impacts are mitigated;
2. The project has been reduced in scope (from 50 breeders down to 10 breeders), so the potential for off-site impacts would likely be reduced;
3. The project would meet the majority of site development standards of the RU-4 zoning district;
4. The property is in a very rural area of the County with currently few nearby residences; and
5. Despite being considered a commercial use, traffic would be minimal because sales would be generated off-site.

Factors Against

1. The Applicant has apparently failed to comply with Cochise County Animal Control's vaccination requirements (*see attached email dated 4 January 2010*);
2. The proposed use has the potential to create significant off-site noise and odor impacts, unless effectively mitigated;
3. The project does not fully comply with the Vision of the Tres Alamos Area Plan as it pertains to maintaining a peaceful and a quiet rural atmosphere;
4. Although the vicinity is sparsely developed with rural home sites, sounds from barking dogs carry great distances and excessive barking has reportedly disturbed area residents;
5. A major wash is near to the proposed project site; a Floodplain Use Permit would be required which would determine the placement of any structures;
6. Although the initial iteration of the project was broader in scope, in November 2008, the Commission voted to deny the Applicant's Special Use request based largely on area residents' protests; and
7. To date, the Department has received two (2) letters in opposition to this Special Use request.

VI. RECOMMENDATION

Based on the factors favoring denial, Staff recommends **denial** of this Special Use Permit for a dog breeding kennel for up to 10 dogs (25 adult dogs in total) in the Tres Alamos area north of Benson.

(Sample Motion (in the affirmative): Mr. Chair, I move to approve Docket SU-10-03, based on the Factors in Favor of approval as the Findings of Fact).

However, if the Commission approves this application, staff recommends that the following conditions apply:

1. The Applicant shall comply with all County Health Department standards for controlling pests, animal waste, odor and refuse related to the dog breeding facility and shall submit, prior to permit issuance, a written protocol for waste and odor management and mitigation;
2. The Applicant shall comply with the County Sheriff's Department Animal Control Officers' requirements for animal safety, welfare and vaccinations and shall fully cooperate with their requests for inspections;
3. Prior to permit issuance, the Applicant shall obtain a Floodplain Use Permit (FPUP) and submit a revised site plan if it is determined that the proposed placement of any structures would need to be relocated;
4. The Applicant shall be limited to a maximum of 10 breeding dogs and 25 adult dogs in total;
5. Prior to operation, the Applicant shall enclose all occupied outdoor enclosures during nighttime hours (6pm to 6am) in order to minimize barking and associated disturbance;
6. The Applicant shall provide the County a signed Acceptance of Conditions and a Waiver of Claims form arising from ARS Section 12-1134 signed by the property owner of the subject property within thirty (30) days of approval of the Special Use Permit. Prior to operation of the Special Use, the Applicant shall submit and obtain a building/use permit within 12 months of approval. The use permit shall include a site plan in conformance with this approval and meeting all site development standards (except those Modified or Waived by the Commission), the completed special use permit questionnaire, and appropriate fees. A permit must be issued within 18 months of the special use approval, otherwise the special use approval may be deemed void upon 30-day notification to the Applicant;
7. It is the Applicant's responsibility to obtain any additional permits, or meet additional conditions, if any, that may be applicable to the proposed activity pursuant to other federal, state, or local laws or regulations; and
8. Any changes to the approved Special Use shall be subject to review by the Planning Department and may require a modification and approval by the Planning and Zoning Commission.

If approved, Staff recommends that the Commission approve the following Site Development Standard Modification and Waiver:

1. Modification of Section 1804.06(3) which requires two-way driveways to be a minimum of 24-feet in width; modifying this site development standard would allow for the existing driveway width (approximately 10 feet); and
2. Waiver of Section 1804.05 which requires one parking space per 500 sq.-ft. of gross floor area for animal husbandry activities.

VII. ATTACHMENTS

Special Use Permit Application

Site Plan

Parcel Map

Aerial Photo

County Staff Correspondences

County Inspection Report dated 16 September 2009

Citizen Review Letter and Property Owner Comments



COCHISE COUNTY PLANNING DEPARTMENT

1415 Melody Lane, Bisbee, Arizona 85603

(520) 432-9240

Fax 432-9278

Susan Buchan, Director

*PAID \$300 CASH RECEIPT
12/3/09 [initials] 3627*

COCHISE COUNTY PLANNING DEPARTMENT COMMERCIAL USE/BUILDING PERMIT/SPECIAL USE PERMIT QUESTIONNAIRE (TO BE PRINTED IN INK OR TYPED)

TAX PARCEL NUMBER: 208-26-04D

APPLICANT: Marian L Beal

MAILING ADDRESS: 1338 W. Appaloosa Ln.

CONTACT TELEPHONE NUMBER: 520-686-1858

PROPERTY OWNER (IF OTHER THAN APPLICANT): N/A

ADDRESS: _____

DATE SUBMITTED: December 3, 2009

Special Use Permit Public Hearing Fee (if applicable)

\$ _____

Building/Use Permit Fee

\$ _____

Total paid

\$ _____

PART ONE - REQUIRED SUBMITTALS

1. Cochise County Joint Application (attached).
2. Questionnaire with all questions completely answered (attached).
3. A minimum of (6) copies of a site plan drawn to scale and completed with all the information requested on the attached Sample Site Plan and list of Non-residential Site Plan Requirements. (Please note that nine (9) copies will be required for projects occurring inside the Building Code enforcement area. In addition, if the site plan is larger than 11 by 17 inches, please provide one reduced copy.)
4. Proof of ownership/agent. If the applicant is not the property owner, provide a notarized letter from the property owner stating authorization of the Commercial Building/Use/Special Use Application.
5. Citizen Review Report, if special use.

6. Proof of Valid Commercial Contractor's License. (Note: any building used by the public and/or employees must be built by a Commercial Contractor licensed in the State of Arizona.)
7. Hazardous or Polluting Materials Questionnaire, if applicable.

OTHER ATTACHMENTS THAT MAY BE REQUIRED DEPENDING ON THE SCOPE OF THE PROJECT

1. Construction Plans (possibly stamped by a licensed Engineer or Architect)
2. Off-site Improvement Plans
3. Soils Engineering Report
4. Landscape Plan
5. Hydrology/Hydraulic Report
6. Sierra Vista Sub-Watershed Water Conservation Overlay Zone Permit Checklist
7. Traffic Impact Analysis (TIA): **Where existing demonstrable traffic problems have already been identified such as high number of accidents, substandard road design or surface, or the road is near or over capacity, the applicant may be required to submit additional information on a TIA.**
8. Material Safety Data Sheets
9. Extremely Hazardous Materials Tier Two Reports
10. Detailed Inventory of Hazardous or Polluting Materials along with a Contingency Plan for spills or releases

The Commercial Permit Coordinator/Planner will advise you as soon as possible if and when any of the above attachments are required.

PART TWO - QUESTIONNAIRE

In the following sections, thoroughly describe the proposed use that you are requesting. **Attach separate pages if the lines provided are not adequate for your response.** Answer each question as completely as possible to avoid confusion once the permit is issued.

SECTION A - General Description (Use separate sheets as needed)

1. What is the existing use of the property? Residential
2. What is the proposed use or improvement? Animal Husbandry w/ development of dog runs and kennels to include structure(s) & inside containment.
3. Describe all activities that will occur as part of the proposed use. In your estimation, what impacts do you think these activities will have on neighboring properties? Breeding of dogs:
Keeping of 10 breeders (maximum) & 15 "retired" stock & pets. Impact should improve "looks" of overall property, screening of animal runs which will keep noise down.
Pups will be sold between 8-12 weeks. Any pup 16 wks or older will be considered "adults" & have to fit in overall 25 maximum or be transferred to alternate home.

4. Describe all intermediate and final products/services that will be produced/offered/sold.

Puppies - we average a litter per month.
Pups are sold privately via Internet + private parties. We take pups to customers.

5. What materials will be used to construct the building(s)? (Note, if an existing building(s), please list the construction type(s), i.e., factory built building, wood, block, metal)

Wood, block, cement and metal. Fencing.

6. Will the project be constructed/completed within one year or phased? One Year _____

Phased ☒ if phased, describe the phases and depict on the site plan.

24 months. 1st 12 mos. : fencing,
clearing, screening. 2nd 12 mos. : actual kennel structures

7. Provide the following information (when applicable):

A. Days and hours of operation: Days: _____ Hours (from 9 AM to 6 PM)

B. Number of employees: Initially: 0 Future: 0
Number per shift Seasonal changes 0

C. Total average daily traffic generated:

(1) How many vehicles will be entering and leaving the site.

Only residential

(2) Total trucks (e.g., by type, number of wheels, or weight)

Only to deliver gravel, cement or
other necessary supplies

(3) Estimate which direction(s) and on which road(s) the traffic will travel from the site?

N/S Ocotillo to Appaloosa Ln.

(4) If more than one direction, estimate the percentage that travel in each direction

80% from south; 20% from north.

(5) At what time of day, day of week and season (if applicable) is traffic the heaviest

N/A

D. Circle whether you will be on public water system or private well. If private well, show the location on the site plan.

Estimated total gallons of water used: per day 25 per year _____

E. Will you use a septic system? Yes ☒ No ☐ If yes, is the septic tank system existing? Yes ☒ No ☐
Show the septic tank, leach field and 100% expansion area on the site plan.

F. Does your parcel have permanent legal access*? Yes ☒ No ☐

D. If no, what steps are you taking to obtain such access?

*Section 1807.02A of the Cochise County Zoning Regulations stipulates that no building permit for a non-residential use shall be issued unless a site has permanent and direct access to a publicly maintained street or street where a private maintenance agreement is in place. Said access shall be not less than twenty (20) feet wide throughout its entire length and shall adjoin the site for a minimum distance of twenty (20) feet.

Does your parcel have access from a (check one):
_____ private road or easement**
☒ County-maintained road
_____ State Highway

**If access is from a private road or easement provide documentation of your right to use this road or easement and a private maintenance agreement.

G. For Special Uses only - provide deed restrictions that apply to this parcel if any.

Attached _____ NA ☒

H. Identify how the following services will be provided:

Service	Utility Company/Service Provider	Provisions to be made
Water	Private	Underground water to kennels
Sewer/Septic	Septic	
Electricity	SSVEC	Underground line to kennel *
Natural Gas	None	
Telephone	Verizon	
Fire Protection	Fire Dept.	

* inside lights
outside would be for
emergent situations
only.

SECTION B - Outdoors Activities/Off-site Impacts

1. Describe any activities that will occur outdoors.

Breeding, whelping of 10 maximum
animals; outside containment w/
exercise, grooming, feeding + watering,
health + welfare activities.

2. Will outdoor storage of equipment, materials or products be needed? Yes ☒ No ☐ if yes, show the location on the site plan. Describe any measures to be taken to screen this storage from neighboring properties. Food + supplies - in storage unit or

outdoor in barrels or closed compartment.

3. Will any noise be produced that can be heard on neighboring properties? Yes ☒ No ☐ if yes; describe the level and duration of this noise. What measures are you proposing to prevent this noise from being heard on neighboring properties? Screening so animals

can't see; indoor kennel structures @
night; treats, toys & owners (or designees)
on property @ nights.

4. Will any vibrations be produced that can be felt on neighboring properties? Yes ☐ No ☒ if yes; describe the level and duration of vibrations. What measures will be taken to prevent vibrations from impacting neighboring properties? _____

5. Will odors be created? Yes ☒ No ☐ If yes, what measures will be taken to prevent these odors from escaping onto neighboring properties? Animal waste is

collected at least daily, bagged &

then taken to refuse station.

6. Will any activities attract pests, such as flies? Yes ☒ No ☐ If yes, what measures will be taken to prevent a nuisance on neighboring properties?

Daily collection of waste, appropriate

containment + transfer to refuse facility

7. Will outdoor lighting be used? Yes ☐ No ☒ If yes, show the location(s) on the site plan. Indicate how neighboring properties and roadways will be shielded from light spillover. Please provide manufacturer's specifications.

8. Do signs presently exist on the property? Yes ☐ No ☒ If yes, please indicate type (wall, freestanding, etc.) and square footage for each sign and show location on the site plan.

A. _____ B. _____ C. _____ D. _____

9. Will any new signs be erected on site? Yes ☐ No ☒ If yes, show the location(s) on the site plan. Also, draw a sketch of the sign to scale, show the copy that will go on the sign and **FILL OUT A SIGN PERMIT APPLICATION** (attached).

10. Show on-site drainage flow on the site plan. Will drainage patterns on site be changed?

Yes ___ No ☒

If yes, will storm water be directed into the public right-of-way? Yes ___ No ☒

Will washes be improved with culverts, bank protection, crossings or other means?

Yes ☒ No ___

If yes to any of these questions, describe and/or show on the site plan.

11. What surface will be used for driveways, parking and loading areas? (i.e., none, crushed aggregate, chipseal, asphalt, other)

Crushed aggregate

12. Show dimensions of parking and loading areas, width of driveway and exact location of these areas on the site plan. (See site plan requirements checklist.)

13. Will you be performing any off-site construction (e.g., access aprons, driveways, and culverts)?

Yes ___ No ☒ If yes, show details on the site plan. **Note: The County may require off-site improvements reasonably related to the impacts of the use such as road or drainage improvements.**

SECTION C - Water Conservation and Land Clearing

1. If the developed portion of the site is one acre or larger, specific measures to conserve water on-site must be addressed. Specifically, design features that will be incorporated into the development to reduce water use, provide for detention and conserve and enhance natural recharge areas must be described. The Planning Department has prepared a *Water Wise Development Guide* to assist applicants. This guide is available upon request. If the site one acre or larger, what specific water conservation measures are proposed? Describe here or show on the site plan submitted with this application.

Not larger than 1 acre.

2. How many acres will be cleared? 1

If more than one acre is to be cleared describe the proposed dust and erosion control measures to be used (Show on site plan if appropriate.) _____

SECTION D - Hazardous or Polluting Materials

Does the proposed use involve hazardous materials? These can include paint, solvents, chemicals and chemicals wastes, oil, pesticides, herbicides, fertilizers, radioactive materials, or biological agents. Engine repair, dry cleaning, manufacturing and all uses that commonly use such substances in the County's experience require completion of the attachment.

No ☒ Yes ☐ If yes, complete the attached Hazardous Materials Attachment. Engine repair, manufacturing and all uses that commonly use such substances in the County's experience also require completion of the attachment.

Applications that involve hazardous or polluting materials may take a longer than normal processing time due to the need for additional research concerning the materials' impacts. The Arizona Department of Environmental Quality (ADEQ) Compliance Assistance Program can address questions about Hazardous Materials (1-800-234-5677, ext. 4333.)

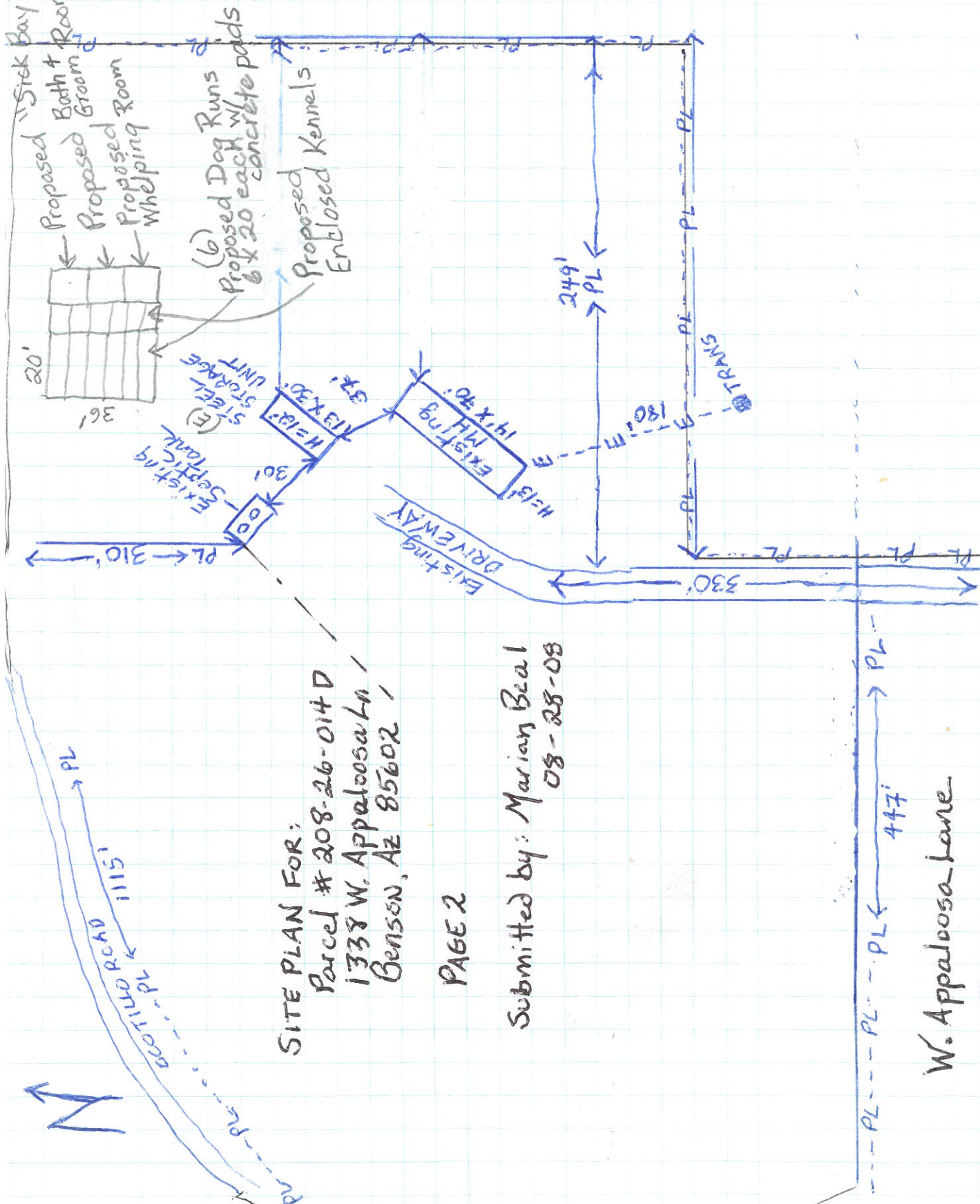
SECTION E - Applicant's Statement

I hereby certify that I am the owner or duly authorized owner's agent and all information in this questionnaire, in the Joint Permit Application and on the site plan is accurate. I understand that if any information is false, it may be grounds for revocation of the Commercial Use/ Building/ Special Use Permit.

Applicant's Signature M. J. Beal

Date signed 12/03/09

Proposed Sick Bay + Bath + Room
Proposed Grooming
Proposed Room
Proposed Whelping



SITE PLAN FOR:

Parcel # 208-26-014 D
1338 W. Appaloosa Ln,
Bensen, AZ 85602

PAGE 2

Submitted by: Marian Beal
08-28-08

W. Appaloosa Lane





COCHISE COUNTY PLANNING DEPARTMENT

1415 Melody Lane, Bisbee, Arizona 85603

(520) 432-9240

Fax 432-9278

Susan Buchan, Director

MEMORANDUM

TO: Michael Turisk, County Planner II

FROM: Karen L. Lamberton, County Transportation Planner

SUBJECT: SU-10-03/Parcel Number 208-26-014D

DATE: December 31, 2009

This Special Use Request is a revision of a previous permit request (SU-08-18) proposing an animal husbandry activity (dog breeding of no more than 10 breeding stock with an additional 15 "retired" pets on site). The applicant conducts all sales via their web-site and personally transports the sold pets to their new owners. Sales are not anticipated to be conducted on-site. This use may increase the traffic to the site minimally (vet calls, supply deliveries) but should stay within the range of a single family residential unit of 9-21 trips per day. No increase in peak hour trips would be anticipated with this proposed use.

Access is taken from W. Appaloosa Lane, an unimproved non-county maintained road to Ocotillo Rd., a 20 foot, county-maintained road in primitive condition in the Tres Alamos area north of Benson. The applicants plan to maintain their lengthy driveway with a layer of crushed aggregate.

Recommendations

Given the limited traffic generation, compatible with a single family residential unit, there would be no additional requirements for off-site transportation improvements. The applicants are advised that their access roadway, W. Appaloosa Lane, is not county-maintained and may not have all-weather access at times. It is recommended that the applicants consider using 3/4 inch minus aggregate for their driveway surface.

cc: Docket SU-10-03

Turisk, Mike

From: Fivecoat, Laurie
Sent: Monday, January 04, 2010 11:06 AM
To: Turisk, Mike
Subject: Marian Beal

Mike,

Summer forwarded me your e-mail because the Beal case is actually mine, Summer doesn't cover Benson. I will look at all the paperwork that you attached and I will bring Summer up to speed on the case, as I will actually be off on the 13th of Jan so won't be able to attend the meeting and she said she would go in my place. I've been keeping in touch with Rick through this whole thing and here is the information I've given him, to this date Marian Beal, who sometimes also goes as Marian Lindenmayer(which is also on the rabies certificates and receipts from us for the dog licenses), has at this time licensed 21 dogs with us, 3 of which were fixed and the other 18 were unaltered. My charges against her was originally for 34 dogs, but I think she actually had even more than that because when I was at her residence on a seperate issue there were dogs in the residence that I know I didn't see on my first count, but the citations had already been done. I've also just gotten a chance to skim over the flyers she included. I can not honestly say that she has these dogs examined by a vet even yearly. When this all started none of her dogs were current on vaccinations, at least she couldn't provide proof of that, now that she's on probation for everything she did get the dogs the vaccinations on Jan. 10, 2009, I have certificates that say 6 of them were only 1 year shots and need to be redone next week to be on time. It is hard to stay on top of whether or not she gets the shots because even though she did it in Jan last year she didn't do any county licenses at that time. She actually came in on August 4th and did 15 of them and the other 6 didn't get done until October 21 and that's only 21 dogs, she had 34 or more but I don't know if she's gotten rid of any as she keeps her property locked and I can't go on the property without her permission. I will also tell you we have had previous problems with Mrs. Beal and the City of Benson Animal Control Officer had problems with them when they lived in city limits, if you like I can have him write a letter, basically it was for the same thing I charged them for, no vaccinations or licenses and for about the same number of dogs. So as you can see this is an ongoing issue with the Beals.

Anyway this email is getting entirely to long, I will look over the papers that you attached and then I'll give you a call.

Thanks,

Laurie Fivecoat
CCSO ACO

HRG

208-26-014D

V.08-0109

COCHISE COUNTY INSPECTION REPORT VIOLATION / HAZARD

☐ First Inspection ☒ Re-inspect Parcel Number: 208-26-014D Violation / Hazard Number: V-08-0109
 Property Owners: Marian Beal, Joseph Lindenmayer Zoning: RCU4
 Situs Address: 1338 W Appaloosa Ln Benson Category: D

COMPLAINT:

Many dogs on property - Feces all over.
 ODS - Vehicles -

INSPECTION INSTRUCTIONS:

How many dogs on property?
 How many vehicles - do they have titles?

PARCEL HISTORY: BB SHOWS:

No Actions

DOR SHOWS

PARCEL FILE

BP-071332-MH/Septic - exp 4/08

PRAP-08-27-5/08 - SU Animal Husbandry - pending

BP-080994-9/08 - Steel Storage Container

SU-08-18-9/08 - Denied

issued 3/09

PRAP-09-27-6/09 - Animal Husbandry - pending

SUMMARY of Important Facts (NOT INCLUDED in above section):

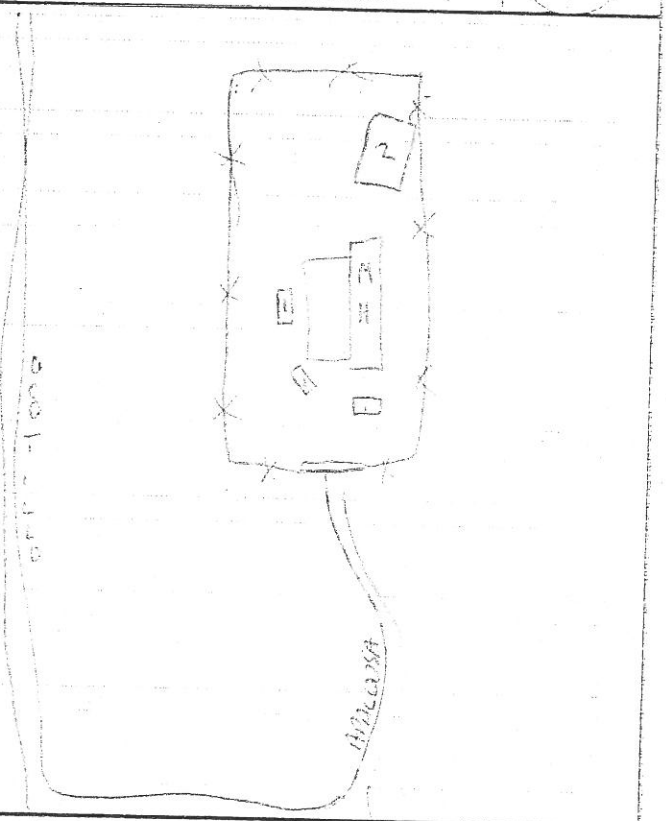
THERE WERE 3 VEHICLES ON PROPERTY.

THE GATE TO PROPERTY WAS LOCKED.
 I YELLED OUT TO SEE IF I COULD GET
 SOMEBODY TO COME OUT. I DIDNT SEE
 ANY DOGS, DID NOT HEAR ANY BARKING
 FROM OUTSIDE OR INSIDE THE MH.

ASIDE FROM SOME ROLLS OF FENCING, I
 SAW NO ODS.

Sketch a Site Plan below (hand-drawn or computer-generated).

Or add elements to existing Site Plan. Number and explain important features, structures and equipment. Indicate streets, fences, utility, and property.

OWNER or RESIDENT CONTACTED? ☐ YES ☒ NO Name:

Phone No: NOBODY WOULD COME OUT, GATE LOCKED.

- ☐ FAILED/NO CORRECTION
☐ FAILED/PARTIAL CORRECTION
☐ PASSED/CORRECTED

Assigned: 9/15/2009

Inspected: 9/16/2009

NO. 1 = VEHICLE

NO. 2 = STORAGE

NO. 3 =

NO. 4 =

NO. 5 =

NO. 6 =

NO. 7 =

NO. 8 =

NO. 9 =

NO. 10 =

NO. 11 =

NO. 12 =

Inspector Signature: M. S. S.

Number of Photos: 5

COCHISE COUNTY

DEC 15 2009

PLANNING

December 10, 2009

Cochise County Planning and Zoning
Attn: Mr. Michael Turisk
1415 Melody Lane
Bisbee, Arizona 85603

Dear Michael,

Please find attached Citizen Review flyer which was sent out in November, 2009. To date, there have been no phone calls, emails, or letters received. I have several people that have told me that they would write letters. Nothing so far...maybe the holidays have taken up their time. Can I still work on this up to the date of the hearing?

You will also find out a brief synopsis of our Management Practices.

Thank you for all you help in this matter.

Sincerely,



Marian L. Beal
1338 W. Appaloosa Lane
Benson, AZ. 85602

encl: (1) Citizen Review Flyer
(2) Management Practices Summary

Joe & Marian Lindenmayer
1338 W. Appaloosa Lane
Benson, Arizona 85602

Email: haywire001@msn.com

PHONE:

520.686.1858

520.720.8573

Dear Neighbor,

We are applying for a Special Use Permit for Animal Husbandry. We would like to keep our dogs and be able to breed some of them. We are strictly a small operation with only 10 actual breeding dogs—the rest of our animals are pets and retired breeders. We would only average one litter per month—we do not believe in indiscriminate and multi-litter puppy mills. Our dogs are all part of our family. The total number of dogs would not exceed 25. Puppies bred here will go to their new homes between 8 and 12 weeks. We do not intend to grow any larger.

We work very hard to keep our yards clean from waste and our dogs quiet. We are both disabled and home most of the time. Our dogs are examined by a veterinarian at least once a year. They have current vaccinations and are licensed by Cochise County.

Currently we have portable pens but would like to build a kennel system within a 24 month period. We invite your feedback, comments and questions. We are located off North Ocotillo Road (between mile-marker 4 and 5) on West Appaloosa Lane. Feel free to call, write or email us at the above numbers. Drive by if you have time. We love our animals and they are our family.

We hope you enjoy some pictures of our "family."

Joe and Marian Lindenmayer



Haywire Ranch Dogs Primary Management Practices

Business Objective: to produce quality working dogs and pets; we want to provide these animals for individuals who have already requested them and know of their capabilities. We also advertise via the internet and deal with specific, reputable people who work within the trade.

In order to meet our Business Objective, we have outlined some of the most critical elements of our management:

- (1) Dogs are healthy and come from quality stock. They are examined at least yearly by a licensed Arizona veterinarian, and in the event of health problems or accidents outside the scope of our expertise. Records are kept for each individual animal and contain current Rabies Certificate, annual vaccinations, date and type of deworming, type of medical treatment if received as well as Cochise County Dog Licenses.**
- (2) Dogs are fed quality food bought from local businesses and provided clean water at all times. They are protected from pests/parasites by use of bathing, dipping, flea/tick collars and regular grooming. Their premises are kept clean and use of earth friendly insecticides provided if needed. Dogs are provided shelter from rain, wind, cold and heat. (Many of our pens are temporary as we desire to upgrade via the special permit license.)**
- (3) Waste is collected at least daily and usually many times throughout the day. We then bag and dispose of at the local transfer site.**
- (4) Dogs are handled and exercised daily and receive individual attention as well as toys and treats. We live on the premises and are able to ameliorate most situations immediately.**
- (5) We value each individual animal--that is why we practice limited breeding. Dogs are matched to increase healthy traits and then "retired" when they are beyond an age where their health would be jeopardized by continued breeding. (AKC, the American Kennel Club accepts papers on animals up to 12 years of age.) We are more conservative specially with our female animals, not breeding beyond eight to ten years.**
- (6) In most cases, puppies are kept with their mother from 6 to 8 weeks. They are socialized, dewormed, and given first shots. Most puppies go to new homes after this period. Animals which reach the age of 16 weeks are considered "adults" for purposes of keeping our total population of adult dogs to 25 or under (we have only 10 active breeders at any time). Pets and retired breeding stock make up the remainder.**

SPECIAL USE: Docket SU-10-03 (Beal)

 YES, I SUPPORT THIS REQUEST

Please state your reasons: _____

X NO, I DO NOT SUPPORT THIS REQUEST:

Please state your reasons:

THINK about what situation you want to create with the county approval. The people up by me aren't even set up for the dogs they have and on several occasions my wife has witnessed their dogs out of their enclosure. I think granting permission to breed considering our economy is a very bad idea

(Attach additional sheets, if necessary)

PRINT NAME(S):

Joseph Pones & Rachelle

SIGNATURE(S):

Joe Pones

YOUR TAX PARCEL NUMBER:

20826043B

(the eight-digit identification number found on the tax statement from the Assessor's Office)

YOUR ADDRESS

P.O. Box 286, Benson, AZ 85602

Upon submission of this form or any other correspondence, it becomes part of the public record and is available for review by the Applicant or other members of the public. **Written comments must be received by our Department no later than 4 PM on January 4, 2010 if you wish the Commission to consider them before the meeting. We can not make exceptions to this deadline, however, if you miss the written comment deadline you may still make a statement at the public hearing listed above. NOTE: Please do not ask the Commissioners to accept written comments or petitions at the meeting, as they do not have sufficient time to read materials at that time. Your cooperation is greatly appreciated.**

RETURN TO: Michael Turisk

Cochise County Planning Department
1415 Melody Lane, Building E
Bisbee, AZ 85603
Email: mturisk@cochise.az.gov
Fax: (520) 432-9278

COCHISE COUNTY

DEC 30 2009

PLANNING

SPECIAL USE: Docket SU-10-03 (Beal)

____ YES, I SUPPORT THIS REQUEST

Please state your reasons: _____

☒ NO, I DO NOT SUPPORT THIS REQUEST:

Please state your reasons: READ LETTER

(Attach additional sheets, if necessary)

PRINT NAME(S): Samuel Beal _____

SIGNATURE(S): Samuel Beal _____

YOUR TAX PARCEL NUMBER: 208-26-01476 (the eight-digit identification number found on the tax statement from the Assessor's Office)

YOUR ADDRESS 1246 W Appaloosa Ln _____

Upon submission of this form or any other correspondence, it becomes part of the public record and is available for review by the Applicant or other members of the public. **Written comments must be received by our Department no later than 4 PM on January 4, 2010 if you wish the Commission to consider them before the meeting. We can not make exceptions to this deadline, however, if you miss the written comment deadline you may still make a statement at the public hearing listed above. NOTE: Please do not ask the Commissioners to accept written comments or petitions at the meeting, as they do not have sufficient time to read materials at that time. Your cooperation is greatly appreciated.**

RETURN TO: Michael Turisk
Cochise County Planning Department
1415 Melody Lane, Building E
Bisbee, AZ 85603
Email: mturisk@cochise.az.gov
Fax: (520) 432-9278

January 4, 2010

Re: Docket SU-10-03

To: Cochise County Planning and Zoning Commission

This is concerning the application for a Special Use Permit of applicant Marian Beal of a dog breeding/facility/kennel on the property described as Township 16, Range 20, Section 17 of the G&SRB&M of Cochise County.

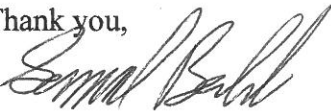
NO I DO NOT SUPPORT THIS REQUEST:

Water rights: The current water well is on my property, and there is no written agreement concerning well share issues. Applicants have not participated financially in maintaining of said well to date. They have been notified of all costs, but fail to contribute to these costs. Well only produces 1.5 gal per minute and it is felt this will put a strain on well production and limit water use of three homes currently on well.

Noise Pollution: Beginning when applicants moved in current number of dogs noise pollution has increased on a daily bases in neighborhood. Any day I walk around my property or out of my house the dogs bark, in addition the noise level of barking dogs has increased through out the night.

Pollution: I have concerns of the methods said applicants plan to handle waste removal. My concerns include environmental impacts, fly control, unpleasant odors and overuse of water. If water is to be used to wash kennels, with my knowledge of previous employment in the well drilling industry this over use of water will cause the remaining two house holds to experience a lack of water.

Thank you,



Samual Bobb
1286 W. Appaloosa Ln
Benson Arizona